

## ORDINANCE NO. O2014-014

**AN ORDINANCE** of the City Council of the City of Tumwater, Washington, related to latecomer agreements for water and sewer construction and amending Tumwater Municipal Code 13.16.010.

**WHEREAS**, the 2013 Washington State Legislature passed ESHB 1717 amending RCW 35.91.020 related to latecomer agreements for water and sewer construction with an effective date of July 1, 2014; and

**WHEREAS**, Tumwater Municipal Code (TMC) 13.16.010, which references RCW 35.91.020, was adopted by the City in 1960; and

**WHEREAS**, the City Council finds that it is in the best interests of the citizens of Tumwater to amend TMC 13.16.010 as described herein.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:**

Section 1. Ordinance No. O2008-018, enacted August 7, 2008, is hereby repealed.

Section 2. Section 13.16.010 of the Tumwater Municipal Code is hereby amended to read as follows:

### **13.16.010 Connection contracts.**

A. ~~In accordance with the Laws of the State of Washington of 1959, Chapter 261 (RCW 35.91.010 through 35.91.050),~~ The city council may from time to time as it deems necessary, and advisable and as required by RCW's as they currently exist or as amended after the date of execution of this Ordinance, contract with owners of real estate for the construction of storm, sanitary or combination sewers, pumping stations and disposal plants, water mains, hydrants, reservoirs or appurtenances, hereinafter called "water or sewer facilities" within the corporate limits of the city or within fourteen (10) miles of the corporate limits connecting with the public water or sewerage system to serve the area in which real estate of such owners is located, and to provide for a period of not to exceed fifteen (20) years for the reimbursement of such owners and their assigns by any owner of real estate who did not contribute to the original cost of such sewer or water facilities, and who subsequently tap or connect to or use the same of the fair pro rata share of the cost of construction of the water or sewer facilities, including not only those directly connected thereto, but also users connected to laterals or branches connecting thereto, subject to such reasonable rules and regulations as the city council may provide in accordance with its adopted policies and standards or contract, notwithstanding the provisions of any other law.

B. The owner must submit a request for a contract to the municipality prior to the approval of the engineering plans. The request shall include an application, engineer's estimate, current application fee, draft agreement, proposed assessment roll with legal descriptions, names, addresses and parcel numbers and maps. Within one hundred twenty (120) days of the completion of a water or sewer facility, the owners of the real estate must submit the total costs of the water or sewer facility to the city, including copies of the construction contracts, invoices and cancelled checks. The city will not process the agreement until all required conditions of the project are complete.

C. The provisions of such contract shall not be effective as to any owner of real estate not a party thereto unless such contract shall have been recorded in the office of the county auditor for Thurston County prior to the time such owner taps into or connects to the water or sewer facilities.

~~B. In connection with the terms of the contract and the enforcement thereof, all of the terms of Chapter 261, as amended after the effective date of the ordinance from which this section derives, shall apply.~~  
(Ord. 397, Added, 08/02/1960)

Section 3. The Public Works Director is hereby directed to amend the Development Guide as necessary to implement this ordinance.

Section 4. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 6. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 7. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval and publication as provided by law.

ADOPTED this 2<sup>nd</sup> day of September, 2014.

CITY OF TUMWATER

Pete Kmet

Pete Kmet, Mayor

ATTEST:

Irene M. Koester

~~Melody Valiant, City Clerk~~

Irene M. Koester, Acting City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick

Karen Kirkpatrick, City Attorney

Published: September 5, 2014

Effective Date: October 5, 2014